

Panaji, 5th September, 2008 (Bhadra 14, 1930)

SERIES II No. 23



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

**Note:-** There is one Extraordinary issue to the Official Gazette, Series II No. 22 dated 28-8-2008, namely, Extraordinary dated 29-8-2008 from pages 653 to 656 regarding Notifications from Department of Elections (Office of the Chief Electoral Officer).

### GOVERNMENT OF GOA

#### Department of Co-operation

Office of the Registrar of Co-operative Societies

#### Order

No. 1-4-76/EST/RCS/1482

Read: Letter No. COM/II/11/11(1)/91-08/218 dated 11-8-2008 received from the Secretary, Goa Public Service Commission.

On the recommendations of the Departmental Promotion Committee conveyed by the Goa Public Service Commission, Panaji, vide letter referred above, the Government is pleased to promote Shri N. S. Muzawar, Sr. Auditor/Sr. Inspector/Special Recovery Officer to the post of Special Auditor/Co-operative Officer in the pay scale of Rs. 5,500-175-9,000 on regular basis with immediate effect and posted at the office of the Registrar of Co-op. Societies, Headquarters, Panaji.

The above officer may exercise his option for fixation of pay under F. R. 22(1)(a)(i) within one month from the date of this order.

He will be on probation for a period of 2 years.

This order shall come into force from the date of taking over the charge by the promotee to the new posting.

By order and in the name of the Governor of Goa.

P. K. Patidar, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 27th August, 2008.

Department of Education, Art & Culture

Directorate of Technical Education

#### Order

No. 25/4/72/2008/DTE/1475

Read: Memorandum No. 25/7/93-EDN/COL/DTE/1105 dated 17-07-2008.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/1/5/34(8)/07/188 dated 2nd July, 2008, Government is pleased to appoint Smt. Anagha Tushar Gaunekar on temporary basis to the post of Lecturer in Electronics & Communication Engineering (Group 'A' Gazetted) in the Government Polytechnic, Bicholim on an initial pay of Rs. 8000/- in the pay scale of Rs. 8000-275-13,500 with effect from 13-08-2008 (f.n.) as per the terms and conditions contained in the Memorandum cited above.

Smt. Anagha Tushar Gaunekar will be on probation for a period of two years.

The appointment is subject to verification of character and antecedents.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education.

Parvorim, 26th August, 2008.

#### Order

No. DTE/CAD/RTI/2006/1491

In partial modification of Order No. 1/364/RTIA/DIE/2005/1695 dated 11-10-05 name and designation of Asstt. State Public Information Officer for Goa College of Engineering, Farmagudi stands modified as follows:-

| Sr. No. | Name of the Office                    | Asstt. State Public Information Officer  |
|---------|---------------------------------------|--|
| 1       | 2                                     | 3  |
| 1       | Goa College of Engineering, Farmagudi | Shri Narayan V. Prabhu Dessai, Dy. Registrar, Goa College of Engineering, Farmagudi. |

Vivek B. Kamat, Director of Technical Education.

Parvorim, 27th August, 2008.

**Order**

No. 16-35-87-EDN(13)/1485

Ref.: Letter No. 4/88/89-GEC(E)/874 dated 18-6-2008 from Principal, Goa College of Engineering, Farmagudi, Ponda-Goa.

Sanction of the Government is hereby accorded for grant of 2 years of Extraordinary Leave to Dr. V. Mariappan, Lecturer in Mechanical Engineering, Goa College of Engineering, Farmagudi, Ponda-Goa w.e.f. 01-09-2008 to 31-08-2010 in terms of the Goa State Civil Service (grant of leave to seek employment in India or Abroad) Rules, 2002, notified by the Government vide Notification No. 2/5/95-PER dated 02-01-2003.

- 1 The Extraordinary Leave is subject to the conditions stipulated in the said notification dated 02-01-2003.
- 2 Request for extension of E.O.L., if any, should reach this Directorate at least 3 months in advance, in order to enable to take necessary decision and communicate it before expiry of extraordinary leave already granted.
- 3 The grant of extension of E.O.L. shall be subject to the Government's decision.
- 4 Dr. V. Mariappan shall return to duty immediately on expiry of the leave period of extended period failing which action will be taken against him under the provision of CCS (C.C.A.) Rules, 1965.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director of Technical Education.

Parvorim, 27th August, 2008.

**Order**

No. 16/67/99-DTE/VPJ/1494

- Ref.: 1) Letter No. 4/09/2003/GEC(E)/1129 dated 08-07-2008 from Principal, Goa College of Engineering, Farmagudi, Ponda-Goa.
- 2) Letter No. 16/67/99-DTE/VPJ/1570 dated 20-9-2006.

Sanction of the Government is hereby accorded for grant of extension of Extraordinary Leave for a further period of 2 years to Shri Vineet P. Jain, Assistant Professor in Computer Engineering, Goa College of Engineering, Farmagudi, Ponda-Goa, w.e.f. 21-9-2008 to 20-9-2010 in terms of the Goa State Civil Service (grant of leave to seek employment in India or Abroad) Rules, 2002, notified by the Government vide Notification No. 2/5/95-PER dated 02-01-2003.

- 1 The Extraordinary Leave is subject to the conditions stipulated in the said notification dated 02-01-2003.

- 2 Request for extension of E.O.L., if any, should reach this Directorate at least 3 months in advance, in order to enable to take necessary decision and communicate it before expiry of extraordinary leave already granted.
- 3 The grant of extension of E.O.L. shall be subject to the Government's decision.
- 4 Shri Vineet P. Jain shall return to duty immediately on expiry of the leave period of extended period failing which action will be taken against him under the provision of CCS (C.C.A.) Rules, 1965.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director of Technical Education.

Parvorim, 27th August, 2008.

**Department of Finance**

Audit Division

**Notification**

No. 1-24-2008/Fin (Audit)

The Governor of Goa in consultation with the Comptroller and Auditor General of India is pleased to entrust in public interest, the audit of the account of Goa State Backward Classes under sub-section 3 of Section 19 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 to the Comptroller and Auditor General of India for a further period of 5 years w.e.f. 1-4-2009 to 31-03-2014 on the terms and conditions specified in Annexure appended hereto.

By order and in the name of the Governor of Goa.

*Uddipta Ray*, Finance, Secretary.

Parvorim, 25th August, 2008.

**ANNEXURE****TERMS AND CONDITIONS**

- 1 The CAG of India may suggest the appointment of a primary auditor to conduct the audit on his behalf and on the basis of directions/guidelines issued by him. Where such an auditor is appointed the fees will be payable by the Institution to that auditor. Where such an auditor is not appointed, expenditure incurred by CAG of India in connection with the audit will be payable to him by the Institution.
- 2 In addition to audit to be conducted by the primary auditor, where so appointed, CAG of India will have the right to conduct the test check of the accounts and to comment on and supplement the report of primary auditor.
- 3 The CAG of India or any person appointed by him in connection with the audit shall have the same rights, privileges and authority as the CAG has in connection with the audit of Government accounts.

- 4 The results of audit will be communicated by CAG or any person appointed by him to the Governing body who shall submit a copy of the report alongwith its observations to the Government. The CAG will also forward a copy of the report direct to Government.
- 5 The audit entrusted to the CAG in public interest will be for a period of 5 years accounts from 1-4-2009 to 31-03-2014 in the first instance subject to review of the arrangement after that period.
- 6 The scope/extent and manner of conducting audit shall be as decided by the CAG.
- 7 The CAG will have the right to report to Parliament/State Legislature the results of audit at his discretion.

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**Department of Information & Publicity****Order**

No. DI/INF/Prop-Appt-PRO/08/2997

Government of Goa is pleased to designate the Director, Information & Publicity as Public Relations Officer and the Official Spokesperson of the State Government. He shall be authorized to issue clarifications on various matters pertaining to the Government to the media to take notice of the press reports appearing in the media and seek clarification from the concerned department/autonomous bodies and to organize press conferences etc.

This order comes into force with immediate effect.

*Narendra Kumar, Secretary (Information and Publicity).*

Panaji, 19th August, 2008.

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**Department of Inland Waterways****Captain of Ports****Order**

No. B13027/COP/08/2548

Government is pleased to appoint Dr. Jose Paul, retired M. P. T. Chairman as Advisor (Ports & Maritime Affairs) in the Captain of Ports Department, Panaji, Goa, on the consolidated consultancy fees of Rs. 25,000/- (Rupees Twenty five thousand only) per month for initially a period one year from the date of joining and subject to following (i) terms and conditions of the agreement, and (ii) overall scope of consultancy.

The period of consultancy will commence from the date of signing the agreement.

By order and in the name of the Governor of Goa.

*Capt. A. P. Mascarenhas, Captain of Ports & ex officio Joint Secretary.*

Panaji, 25th August, 2008.

**Department of Labour****Notification**

No. 28/01/2008-LAB/722

The following Award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa, on 10-06-2008 in reference No. IT/9/06 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*B. S. Kudalkar, Under Secretary (Labour).*

Parvorim, 24th June, 2008.

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IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT-I AT PANAJI

(Before Smt. Anuja Prabhudesai, Presiding Officer)

Ref. No. IT/09/06

The General Secretary,  
Kadamba Kamgar Union,  
T-1 Sindur Bldg.,  
Panaji, Goa.

... Workman/Party I

V/S

The Managing Director,  
M/s. Kadamba Transport Corporation Ltd.,  
Paraise da Goa,  
Alto, Parvorim, Goa. ... Employer/Party II

Party I/Workman present in person.

Party II/Employer is represented by Adv. A. Palekar.

**A WARD**

(Passed on this 10th day of June, 2008)

1. The Party I was working for the Party II as a conductor and was posted at Vasco depot. On 27-4-99 he was the conductor on duty on bus No. GA01X 0260 which was plying on Vasco-Margao-Ponda-Panaji route. The said bus was intercepted by the line checking staff at Panaji bus stand and the Party I was issued default notice wherein it was alleged that he had allowed the passengers to travel without tickets and that he had generated excess amount by non issue of tickets and he had not filled the way bill. Subsequently the Party I was issued charge sheet for the said misconduct. Inquiry was conducted and the Party I was held guilty of the said misconduct. By order dated 19-5-2001 the Party II withheld four increments of Party I with cumulative effect from 2001, 2002, 2003 and 2004.

2. The conciliation had ended in failure and on receipt of the failure report the Government of Goa vide order dated 23-1-2006 referred the following dispute for adjudication:

"(1) Whether the action of M/s. Kadamba Transport Corporation Limited, in withholding four annual increments with cumulative effect for the years 2001, 2002, 2003 and 2004 of Shri Prakash Sawant, Conductor, Badge No. 5849 is legal and justified ?

2 If not, to what relief the workman is entitled ?"

3. On receipt of the reference, IT/9/06 was registered. Notices were issued to both parties. The Party I has filed his claim statement at Exb. 3. He has claimed that the enquiry was conducted in flagrant violation of principles of natural justice. The Party I has alleged that the charge sheet was vague and that he was not given reasonable opportunity of defending himself. It is alleged that the action of the Party II is malafide and amounts to victimization and unfair labour practice. The Party I has further stated that the Inquiry Officer has not appreciated the evidence and that the findings of guilt are without any reasons and bases and are perverse. It is stated that the punishment is disproportionate and the order is illegal and unjustified. The Party I has therefore prayed that the said four increments should be released.

4. The Party II has filed its written statement at Exb. 6. The Party II has claimed that the Inquiry Officer has given adequate and reasonable opportunity to the Party I to defend himself and that the Inquiry Officer has followed the principles of natural justice. The Party II has denied that the findings of guilt are without bases or reasons. The Party II has stated that even prior to this the Party I was involved in several misconducts for which he was warned and fined. The Party II has denied that the punishment is disproportionate as compared to the nature of the charges levelled. The Party II has stated that it has already taken a lenient view and that the Party I is not entitled for any relief.

5. Based on the aforesaid pleadings following issues were framed by my learned predecessor.

1 Does Party I prove that the departmental inquiry held against him by Party II is not fair and proper ?

2 Does Party I prove that the departmental inquiry held against him by Party II is against principles of natural justice ?

3 Whether action of the Party II in withholding of four annual increments with cumulative effect for the years 2001, 2002, 2003 and 2004 of the Party I is legal and justified ?

4 To what relief the Party I is entitled ?

5 What Award ?

6. Parties have led evidence on all three issues. The Party I has argued the case in person. Learned advocate, Shri Palekar has argued on behalf of Party II. I have perused the records and considered the arguments advanced by respective parties and my findings are as under.

7. *Issue Nos. 1 & 2:* The Party I had alleged that the Inquiry Officer had not followed the principles of natural justice and that the enquiry is not just and fair. However the Party I has not adduced any evidence to substantiate the said contention. As against this the Party II has examined the Inquiry Officer, Shri A. B. Prabhu. He has deposed that he had issued notice of enquiry to the Party I and that the Party I had participated in the enquiry. He has deposed that the procedure of the enquiry as well as the charges were explained to the Party I and that though the proceedings were recorded in English, the same were explained to the Party I in Konkani. He has deposed that he had granted time/opportunity to the Party I whenever requested and also when the Party I, his representative had remained absent. He has deposed that he had given fair opportunity to the parties to put forth their case. He has produced the enquiry proceedings which are at Exb. 16 colly. A perusal of these proceedings also indicates that notice of enquiry was given to the Party I and that the procedure as well as the charges which were specifically stated in the charge sheet were explained to the Party I. The Party I had not submitted before the Inquiry Officer that he had not understood the charges or that the charges were vague. The inquiry proceedings indicate that opportunity was given to the Party I to be represented by a co-worker. The statement of MW1, Shri Anil Vengurlekar and MW2, Shri Hari Naik were recorded on 15-7-99 in presence of the Party I and his representative and cross was adjourned at their request. It is seen that the Inquiry Officer has adjourned the enquiry time and again so as to give an opportunity to the Party I to cross examine these witnesses, despite which neither the Party I nor his representative had cross examined these witnesses and the Inquiry Officer had no other option but to close the cross. The Inquiry Officer had recorded the statement of the Party I and had given opportunity to adduce further defence evidence. It is thus clear that the Inquiry Officer had followed the proper procedure. Consequently, the Party I has failed to prove that the Inquiry Officer has not followed the principles of natural justice or that the enquiry is not fair and proper. Hence issues 1 and 2 are answered in the negative.

8. *Issue No. 3:* The inquiry proceedings at Exb. 16 indicate that the Party I was issued charge sheet dated 29-9-99 wherein it was alleged that on 27-4-99 at Panaji bus stand the line checking staff had intercepted Bus No. GA -1X0260 in which the Party I was the conductor and that they had found 14 passengers travelling without tickets and that the Party I had not collected bus fare from these passengers. It was also stated that an excess amount of Rs. 227/- was found in the cash bag and that the same was in excess of the sale of tickets. It was further alleged that an amount of Rs. 130/- was found concealed in the shorts of the Party I. It was alleged that the excess amount of Rs. 227/- and an amount of Rs. 130/- which was concealed in the shorts was generated by non issue of tickets to the passengers after recovery of bus fare from them. It was

further alleged that the Party I had not filled the way bill and all these acts constituted misconduct under Clause 28 (vi), (xv) and (xxxv) of Certified Standing Orders of the Corporation. In his reply to the default notice as well as the charge sheet, the Party I had stated that the passengers were boarding and alighting from the bus at every stop and it was not possible for him to cover each and every passenger. He had further stated that a group of passengers had boarded the bus at Patto, Ribandar and he was unable to issue tickets to these passengers as he was busy issuing tickets to the other passengers. The Party I had denied that excess amount of Rs. 227/- was found in the cash box and had stated that he had declared personal cash of Rs. 150/- and that the amount which was alleged have been concealed in shorts was his personal cash. He had stated that there was no time to close the abstract way bill.

9. It is to be noted that in support of these charges, the management had examined the Traffic Inspector, Anil Vengurlekar and TC, Hari Naik. Both these witnesses had stated that at the time of checking they found 14 passengers travelling without tickets, out of which one was travelling from Banastarim to Panaji, two from Ponda to Panaji, three from Kundaim to Panaji, five from Old Goa to Panaji and three from Ribandar to Panaji. It is thus evident that apart from three passengers who had boarded the bus at Ribandar, there were eleven other passengers who were travelling without tickets. The Party I has not explained as to how some of these passengers had travelled from Ponda to Panaji, Banastarim to Panaji, Old Goa to Panaji and Ribandar to Panaji without tickets. It is also to be noted that in the cross examination Party I has stated that on the relevant day the private buses were on strike and on an average 70 passengers had travelled by the said bus upto Panaji. He has admitted that cash of Rs. 812/- was found with him and that sale of tickets was of Rs. 585/-. He has admitted that at the time of checking an amount of Rs. 227/- was found to be excess and that this amount was generated by collecting the bus fare from the passengers without issuing tickets. He has also admitted that he had not filled the way bill. In view of these admissions the Inquiry Officer was justified in holding that the Party I had permitted the passengers to travel without tickets and that an amount of Rs. 227/- which was found in excess was collected by him from the passengers without issuing tickets. As regards the amount of Rs. 130/- found in the internal pocket of the Party I, the Inquiry Officer has held that the same is the personal cash of the Party I. The findings of the Inquiry Officer are based on the material on record and are well reasoned.

10. The charges proved against the Party I constitute misconduct under Clause 28(vi), (xv) and (xxxv) of the Certified Standing Orders. Though the charges are serious, the Party II has not imposed major penalty but has only withheld four increments. The punishment imposed is neither illegal, malafide, unjust nor disproportionate. Hence issue No. 3 is answered in the affirmative.

Under the circumstances and in view of discussion supra, I pass the following order:

#### ORDER

It is hereby held that the action of M/s. Kadamba Transport Corporation Ltd., in withholding four annual increments for the year 2001, 2002, 2003 and 2004 of Shri Prakash Sawant, Conductor, badge No. 5840 is legal and justified. The workman is not entitled for any relief.

Inform the Government accordingly.

S/—

(A. Prabhudesai),  
Presiding Officer,  
Industrial Tribunal-  
cum-Labour Court-I.

#### Notification

No. 28/01/2008-LAB/829

The following Award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa, on 11-06-2008 in reference No. IT/52/96 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 10th July, 2008.

#### IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I AT PANAJI

(Before Smt. Anuja Prabhudesai, Presiding Officer)

Ref. No. IT/52/96

Shri Manohar G. Naik,  
Rep. by Member of Executive Committee,  
Kadamba Transport Corporation Drivers  
and allied Employees Association,  
Velho Building, 2nd Floor,  
Panaji, Goa. ... Workman/Party I

V/s

The Managing Director,  
M/s. Kadamba Transport Corporation Ltd.,  
Panaji, Goa. ... Employer/Party II

Party I/Workman is represented by Adv. A. Kundaikar.

Party II/Employer is represented by Adv. P. M. Nimbalkar.

#### A WARD

(Passed on this 11th day of June, 2008)

1. The Party I was working for the Party II as a conductor. On 18-8-94 he was on duty on bus No. GA-01X-0129 which was plying on Panaji-Quitala route. The bus was intercepted and checked by the

Line Checking Staff at Carona. The Party I was issued default notice for having cash of Rs. 23.75 which was in excess of the sale of tickets and which was generated by non issue of tickets to the passengers after recovery of fares from them.

2. On 22-8-94 the Party I was on duty on GA-01 X-0089 which was plying on Karwar-Mapusa-Panjim route. The said bus was checked and the Party I was issued a default notice for having cash of Rs. 82.50 which was in excess of the sale of tickets and generated from non issue of tickets after collection of fares from the passengers.

3. The Party I had given his reply to both these notices. Subsequently he was issued charge sheet dated 17-9-1994 for committing the said misconduct under Clause 28(xv) (xxxv) of the Certified Standing Orders of the Corporation. The Party I gave his reply to the charge sheet. Not being satisfied with the explanation, the Party II initiated domestic enquiry against the Party I in respect of the charges levelled in the said charge sheet. The Inquiry Officer submitted his report wherein he held that the charges levelled against the Party I were proved. By order dated 19-1-1996 the Party I was dismissed from services.

4. The Government of Goa, in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, vide order dated 4-10-96 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Kadamba Transport Corporation Ltd., Panaji, Goa, in terminating the services of Shri Manohar G. Naik, Conductor, with effect from 19-1-1996 is legal and justified ?

If not, what relief the workman is entitled to ?"

5. On receipt of the reference, IT/52/96 was registered. Notices were issued to both parties. The Party I filed his claim statement at Exb. 4. He claimed that the enquiry was not fair and proper and that the same was held in violations of principles of natural justice. He further claimed that the findings given by the Inquiry Officer were not based on the evidence on record and that the Inquiry Officer had not applied his mind for arriving at the said findings. The Party I further stated that the order of dismissal is illegal, unjustified, harsh and uncalled for. The Party I claimed that he is entitled for reinstatement with full back wages and continuity in service.

6. The Party II filed its written statement at Exb. 5. The Party II denied that the enquiry was not fair and proper. The Party II has further stated that on 18-8-94 the Party I was checked by the line checking staff and an amount of Rs. 23.75 was found in excess of the sale of tickets. The Party II has further stated that the Party I was again checked on 22-8-94 and an amount of Rs. 82.50 was found in excess of the sale of tickets. The Party II has stated that the charge sheet was issued to the Party I for the said misconduct and after holding a

proper enquiry, the Inquiry Officer has held the Party I guilty of the charges levelled against him. The Party II has further stated that on considering the report submitted by the Inquiry Officer as well as the reply of the Party I it dismissed the Party I from services, vide order dated 19-1-1996. The Party II had denied that the enquiry was not fair and proper or that the findings of the Inquiry Officer were not based on material on record. The Party II has further denied that the order of dismissal is unjust or harsh and uncalled for. The Party II has stated that in view of the past conduct of the Party I no other penalty could have been imposed.

7. On the basis of the aforesaid pleadings the following issues were framed:

- 1 Whether the Party I proves that the domestic inquiry held against him is not fair and proper ?
- 2 Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by sufficient evidence ?
- 3 Whether the Party I proves that the action of the Party II in terminating his services w.e.f. 19-1-1996 is not legal and justified ?
- 4 Whether the Party I is entitled to any relief ?

#### 5 What Award ?

7. The issue Nos. 1 and 2 were treated as preliminary issues. Parties had led evidence on these two preliminary issues. By order dated 31-10-2001 it was held that the domestic enquiry held against the Party I was fair and proper. It was further held that the charge of finding excess amount with the Party I to the extent of Rs. 3.75 on 18-8-94 and Rs. 82.50 on 22-8-94 were proved and that the said charges constitute misconduct under Clause (xv) (xxxv) of the Certified Standing Orders of the Corporation. Subsequent to these findings the parties have adduced evidence on issue No. 3. I have perused the records and considered the arguments advanced by learned advocate, Shri Kundaikar and learned advocate, Shri Nimbalkar.

8. It is not in dispute that the Party I was issued a charge sheet that on 18-8-94 levelling charges that on 18-8-94 the bus on which he was a conductor on duty was checked by line checking staff and an amount of Rs. 23.75 was found in excess which was generated by non issue of tickets to the passengers after recovery of fares from them. It was further alleged that on 22-8-92 when the bus was checked by line checking staff an amount of Rs. 82.50 was found in excess than the sale of tickets. It was alleged that the said amount generated by the non issue of tickets. Domestic enquiry was conducted and the Party I was held guilty of the charges levelled against him. The findings of the fairness of enquiry and the proof of misconduct have been given vide order dated 31-10-2001, wherein the enquiry has been held to be fair and proper. The charges of misconduct are also held to be proved except that the amount that was found in excess on 18-8-1994 was

held to be Rs. 3.75 instead of Rs. 23.75. The question which now remains to be decided is on the quantum of punishment imposed on the Party I.

9. Learned advocate, Shri Kundaiker has argued that the Tribunal has powers to interfere with the order of dismissal if the same is disproportionate. He has relied upon the case of *Bhagat Ram v/s State of H.P. reported in AIR 1983 SC154*, wherein the apex court has held that “the penalty imposed must be commensurate with the gravity of the misconduct and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution”.

10. Learned advocate, Shri Kundaiker has also relied upon the case of *Punjab Tourism Development Corporation v/s Presiding Officer Labour Court, Amritsar & ors. Reported in 1997 I CLR 286*, wherein it has been held that “Labour Court is not only possessed with power to interfere with punishment awarded by employer in appropriate case but it is under duty to examine the issue of punishment awarded by employer and decide for itself whether punishment was justified or not - In cases where Labour Court comes to conclusion that punishment is unduly harsh or highly disproportionate to misconduct proved, Labour Court can interfere with award of punishment.”

11. There is no dispute that Section 11(A) empowers the Tribunal to substitute or mould the punishment imposed on the employee. It is also well settled that the scope of such interference is limited. In the case of *V. Ramana v/s A.P.S.R.T.C. reported in 2005 DGLS 399*, the apex court after considering several decisions on the issue has summed up, the scope of interference by the adjudicating authority, in paras 11 and 12 of the judgement, which reads as under:

*“The common thread running through in all these decisions is that the Court should not interfere with the administrator’s decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in the Wednesbury’s case (supra) the Court would not go into the correctness of the choice made by the administrator open to him and the Court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision.*

*To put differently unless the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the Court/Tribunal, there is no scope for interference. Further to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In a normal course if the punishment imposed is shockingly disproportionate it would be appropriate to direct the Disciplinary Authority or the Appellate Authority to reconsider the penalty imposed.”*

12. These principles have to be borne in mind while deciding whether the penalty imposed on the Party I

needs to be interfered with, substituted, moulded or reconsidered.

13. Learned advocate, Shri Kundaiker has argued that the Party II has not given reasons for imposing major penalty of dismissal. He has argued that since the order reflects total non application of mind, the same is nullity and needs to be set aside. He has relied upon the case of *Rajasthan State Road Transport Corporation and others v/s Ram Yadav (1995 LAB I. C. 2133)*. The respondent in the aforesaid case was dismissed from service by invoking Rule 36(VIII) of Certified Standing Orders. The Hon’ble Rajasthan High Court held that “in essence, Rule 36 of the Standing Orders enjoins duty upon the competent authority to determine which of the penalties enumerated in the Rule is to be imposed upon the delinquent employee. In other words, to decide means to give rational judgment after considering the pros and cons of the matter. As the rule in terms enjoins a duty upon the competent authority to make selection of the penalty “for good and sufficient reasons” the competent authority is bound to apply its mind to all the relevant aspects of the case. The order itself must show that all the relevant aspects have entered into consideration in rendering the decision by a process of ratiocination. It is only when the order itself gives a clue of the factors which have weighed with the competent authority in deciding upon the punishment of removal from service that one can say that there has been application of mind. ... it is not sufficient for the competent authority to consider the report of the enquiry officer and his advice and to say that having regard to the nature of the charges the penalty of removal from service or dismissal deserves to be imposed. The disciplinary authority is bound to ask the question to himself as to whether the penalty of dismissal from service is the only penalty which could be imposed having regard to the nature of the charges levelled against the employee.”

14. In the instant case the Party I is governed by Certified Standing Orders of the Corporation Rule 28B(iii) of the Certified Standing Orders of the Corporation provides that “In awarding punishment under these standing orders, the Manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist.” The Certified Standing Orders of the Corporation does not contain any specific provision which requires the disciplinary authority to give good and sufficient reasons for selecting any particular penalty. This being the case the judgment in the case of *Rajasthan High Court v/s Shri Ram Yadav* cannot be of aid to the Party I.

15. In the case of *Raj Kumar v/s State of Haryana, 1987 Lab IC 1890* the apex court has held that when the punishing authority agrees with the findings of the Inquiry Officer and accepts the reasons given by him in support of such findings, it is not necessary for the punishing authority to again discuss evidence and give reasons to come to the same findings as that of the Inquiry Officer.

16. In the instant case, a perusal of the dismissal order indicates that the Party II had concurred with the findings of the Inquiry Officer. The dismissal order further indicates that while imposing the penalty of dismissal, the Party II had also considered the gravity of the misconduct and the past records of the Party I. It is thus clear that Party II had complied with 28 B (iii) of the Certified Standing Orders. Hence I am unable to accept the contention of the learned advocate, Shri Kundaikar that the dismissal order reflects non application of mind or that the order is nullity.

17. Learned advocate, Shri Kundaiker has argued that the past service records were not produced before the Inquiry Officer. He has argued that such documents were also not considered by the competent authority at the time of issuing the dismissal order. He therefore contends that the document produced by the Party II before this Tribunal to prove the past records of the Party I, cannot be looked into.

18. Learned advocate, Shri Nimbalkar has argued that the Inquiry Officer was not required to enquire into past misconduct and the said misconduct was required to be considered only by the management at the time of imposing penalty. He has argued that the records of the past misconduct which have been produced before the Tribunal were within the knowledge of the Party I.

19. It may be mentioned here that the stage of considering the past records would arise only when the workmen is held guilty of the charges levelled against him and this would be for the purpose of deciding the quantum of punishment. Hence I agree with the submissions of learned advocate, Shri Nimbalkar that the Party II was not required to produce the past records before the Inquiry Officer.

20. The records indicate that on receipt of the findings/inquiry report, the Party II had issued a notice dated 29-9-95 to the Party I whereby copy of the report was forwarded to the Party I. The Party I was informed that the charges levelled against him were proved and considering that such misconducts were proved against him in the past, it was proposed to dismiss him from services of the Corporation. The Party I was called upon to show cause as to why the said proposed action should not be taken against him.

21. It is true that in this show cause notice, the Party II had not given any details of the past misconduct which were proved against the Party I. The question which would therefore arise is whether this has caused any prejudice to the Party I. It is to be noted that though the Party I had given his reply to this notice, he had not denied that such charges were also proved against in the past. However, in the evidence before the Tribunal he had stated that other than the charge sheet dated 17-9-94, he was neither issued any charge sheet or memo nor awarded any punishment. He was cross examined by the Party II on this statement and in his cross examination the Party I has admitted having received the default notice (Exb. 2), and order imposing fine of

Rs. 25/- (Exb. E-3) in respect of the said notice. He was also shown 11 other default notices at Exb. E-4 colly and orders at Exb. E-5 colly whereby, he was imposed fine for committing misconducts. The Party I has admitted having received these default notices and orders at Exb. E-4 colly and Exb. E-5 colly. It is thus clear that these records pertaining to his past conduct were within the knowledge of Party I, despite which he had not given any reasons or explanation either in his reply to the show cause notice or in his evidence before the Tribunal, as to why the Party II could not consider these past records for the purpose of imposing the penalty of dismissal. Under these circumstances, it cannot be held that not furnishing particulars of the records, which were within the knowledge of Party I has caused any prejudice to the Party I.

22. It is also to be noted that though these records were within the knowledge of Party I, he had made a false statement on oath that he was not issued any other charge sheet or memo and that he was not awarded any penalty. Faced with this statement, the Party II was compelled to produce the past records. The Party II had not produced these records to justify the decision of dismissal but had produced the same to controvert the defence set up by the Party I. These documents not only falsify the case of the Party I that his past record are unblemished but amply prove that the past records of service of Party I was manifestly unsatisfactory and that he was not only issued default notices and charge sheets but was also punished for such misconducts.

23. It is also to be noted that in the case of *Maharashtra State Road Transport Corporation Nanded v/s Bhimrao Ganpantrao Gundle 1999 (Supp) Bom. CR. 800*, the Hon'ble Bombay High Court has held that "*It is well established that Section 11-A of the Industrial Disputes Act, empowers the adjudicator under the said Act to substitute or mould the punishment meted on the employee by the employer in certain cases and these are discretionary powers to be invoked in the facts and circumstances of each case. When such powers are being invoked, the adjudicator is required to examine the connected parameters namely the nature of the charge proved, the length of service of the employee and the past service record etc.*"

24. This being the case, I am unable to accept the contention of the learned advocate, Shri Kundaiker that the past records of Party I which were produced before the Tribunal cannot be looked into for the purpose of determining the quantum of punishment.

25. Learned advocate, Shri Kundaiker has argued that though the Party I was charged for having excess amount of Rs. 23.75 on 18-8-94, the finding in the order dated 31-10-01 is that on 18-8-94 only an amount of Rs. 3.75 was found in excess of the sale of tickets. He has argued that in view of the said findings the termination of services is not justified. Whereas learned advocate, Shri Nimbalkar has argued that the amount of money misappropriated is not a relevant consideration and what needs to be considered is the nature and the gratuity

of the misconduct. He has argued that considering the nature of the duties, the Party I was required to perform and the nature of the misconduct which has been duly proved, the order of dismissal is justified.

26. The records indicate that one of the charges levelled against the Party I was that when the bus was checked on 18-8-1994, the Party I was found in possession of Rs. 23.75 which was in excess of the sale of tickets. In the finding dated 31-10-2001, which were given on issues 1 and 2, it has been held that the amount which was found in excess on 18-8-1994 was not Rs. 23.75 but was Rs. 3.75. The question is whether the penalty imposed on Party I can be interfered with on account of the said findings.

27. It may be mentioned here that in the case of *Divisional Controller KSRCK v/s A.T. Mane reported in 2005 (3) SCC 254*, the apex court has held that "Coming to the question of quantum of punishment, one should bear in mind the fact that it is not the amount of money misappropriated that becomes a primary factor for awarding punishment, on the contrary, it is the loss of confidence which is the primary factor to be taken into consideration. In our opinion, when a person is found guilty of misappropriating corporation's fund there is nothing wrong in the corporation losing confidence or faith in such a person and awarding a punishment of dismissal."

28. This being the case the penalty imposed on the Party I cannot be interfered only because in the findings dated 31-10-01 it has been held that the amount which was found in excess was Rs. 3.75 and not Rs. 23.75.

29. Learned advocate, Shri Kundaliker has argued that the penalty imposed is disproportionate to the charge levelled and hence the order of dismissal cannot be sustained. He has relied upon the judgment in the case of *Gujarat State Road Transport Corporation v/s Maganlal Bhikhambhai Raval reported in 2002 Lab I. C. 339* and the observations made in the case of *Rajasthan State Road Transport Corporation v/s Ram Yadav (Supra)*. Whereas learned advocate, Shri Nimbalkar has argued that the aforesaid discussion are not applicable to the facts of the case. He has argued that the misconduct was grave and that the past conduct of the Party I is not satisfactory and as such the punishment imposed on Party I is just and proportionate.

30. The judgments in the case of *Gujarat State Road Transport Corporation and Rajasthan State Road Transport Corporation (Supra)* are not applicable to the facts of the present case as in the case of *Gujarat State Road Transport Corporation*, the Inquiry Officer had categorically mentioned that there was no dishonest intention on the part of the workmen to misappropriate the amounts of the Corporation. Similarly in the case of *Rajasthan State Road Transport Corporation* it was held that there was no evidence to indicate that the workman had recovered the ticket fares from the passengers and misappropriated the same for his own use. Whereas in the instant case there is a clear finding in the order

dated 31-10-2002 that the act of the Party I, in collecting fares from the passengers without issuing tickets, is nothing but a dishonest act committed with an intention of misappropriating the revenue of the Corporation employer and thereby causing loss to the Corporation.

31. It may be mentioned that in the case of *V. Ramamna v/s A.P.S.R.T.C. (Supra)* the apex court has held that "*It is the responsibility of the conductors to collect correct fare charges from the passengers and deposit the same with the Corporation. They act in fiduciary capacity and it would be a case of gross misconduct if they do not collect any fare or the correct amount of fare. A conductor hold a post of trust. A person guilty of breach of trust should be imposed punishment of removal from service.*"

32. In the case of *Maharashtra State Road Transport Corporation v/s Bhimrao Ganpatrao Gundale (Supra)* it has been held that "*It is well established that the Labour Court should not mechanically use the words "punishment being disproportionate to the charges." The Labour Court is required to give reasons as to how the punishment is grossly disproportionate. The discretionary powers cannot be equated with the power of veto.*"

33. Reverting to the facts of the present case, the past service records of the Party I are far from being satisfactory. He has not improved his conduct despite being punished several times and despite being given several opportunities to improve his conduct. Even if the past records of the Party I are not considered, the charges which are duly proved clearly go to show that the Party I had conducted similar misconduct within a span of 4 days and this itself sufficiently proves that the Party I is a habitual defaulter. Considering these factors viz-a-viz the gravity of the misconduct, the penalty of dismissal cannot be said to be shockingly disproportionate to the charges. In the circumstances, the action of the Party II in terminating the services of Party I w.e.f. 19-1-1996 cannot be held to be illegal and unjustified. Hence issue No. 3 is answered in the negative.

34. Since the dismissal order is legal and justified the Party I is not entitled for any relief. Issue No. 4 is answered accordingly.

Under the circumstance and in view of its supra, I pass the following order:

#### ORDER

The action of the M/s. Kadamba Transport Corporation in terminating the services of the workman, Shri Manchar G. Naik w.e.f. 19-1-96 is held to be legal and justified. It is further held that the workman is not entitled to any relief.

No order as to costs.

Inform the Government accordingly.

SJ/-

(A. Prabhudesai),  
Presiding Officer,  
Industrial Tribunal-  
cum-Labour Court-I.

**Notification**

No. 28/01/2008-LAB/829

The following Award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa, on 26-06-2008 in reference No. IT/7/04 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*B. S. Kudalkar*, Under Secretary (Labour).

Panorim, 10th July, 2008.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT-I AT PANAJI

(Before Smt. Anuja Prabhudesai, Presiding Officer)

Ref. No. IT/7/04

Shri P. H. Baichwal,  
Rep. by Goa Trade and Commercial  
Workers Union,  
Velho Building, 2nd Floor,  
Panaji. ... Workman/Party I

V/s

M/s. Salgaonkar Industrial  
Gases P. Ltd.,  
Vasco-da-Gama. ... Employer/Party II

Party I/Workman is represented by Adv. Suhas Naik.

Party II/Employer is represented by Adv. M. S. Bandodkar.

A WARD

(Passed on this 26th day of June, 2008)

In exercise of powers conferred on Clause (d) of sub-section (1) of Section 10 of the said Act, 1947, under order dated 30-12-2003, the Government of Goa has referred to this Industrial Tribunal following dispute for adjudication:

- "(1) Whether Shri P. H. Baichwal, Junior Officer, can be construed as "workman" as defined under sub-section (5) of Section 2 of the Industrial Disputes Act, 1947 ?
- (2) If the answer to the issue No. (1) above is in the affirmative then, whether the action of the management of M/s. Salgaonkar Industrial Gases Pvt. Ltd., Vasco-da-Gama, Goa in terminating the services of Shri P. H. Baichwal, Junior Officer with effect from 31-12-2002 is legal and justified ?
- (2) If not, what relief the workman is entitled to?"

2. On receipt of the reference IT/7/04 was registered. Notices were issued to the parties. The Party I has filed his claim statement at Exb. 4. The Party I has stated that he was working for the Party II as a Junior Officer since May, 1981, on monthly salary of Rs. 7,995/- . The Party I has stated that as a Junior Officer he was supplying the

cylinders and collecting payment from the customers. He was maintaining sale record and the oral collection done. He was also depositing the daily collection made by him and submitting the detail accounts and the records of sale and recovery to the Head Office. The Party I further stated that on 31-3-97 an agreement was entered between Salgaonkar Industrial Gases Pvt. Ltd., and Karnataka Industrial Gases whereby it was agreed that Karnataka Industrial Gases would refill the empty cylinders of Salgaonkar Industrial Gases Pvt. Ltd., and supply the same to Salgaonkar Industrial Gases Pvt. Ltd., with the trade mark of Salgaonkar Industrial Gases Pvt. Ltd., to supply the same to the customers in Karnataka. The Party I has stated that he was assigned the job of receiving filled cylinders from Karnataka Industrial Gases and to supply the same to the customers. The Party I continued to do these duties till 31-12-2002 on which day the services of Party I were terminated. The Party I has stated that on 13-6-2003 he was sent Demand Draft towards alleged settlement dues. The Party I claims that the said settlement was not correct and legal. The Party I stated that the settlement was accepted under protest, reserving his rights to challenge the same. The Party I has stated that his termination is illegal and unjustified and bad in law. The Party I has therefore sought reinstatement with full back wages and continuity in service.

3. The Party II filed their claim statement at Exb. 5. The Party II claimed that it had closed down its establishment with effect from 31-3-1997. They dispensed with the services of all workmen by following the relevant provisions of Industrial Disputes Act, 1947, by paying legal dues to all the employees including the Party I. The Party II stated that the Party I was discharging supervisory managerial and sales promotion functions and was drawing more than Rs. 1,600/- per month and as such he cannot be considered as a workman within the meaning of Section 2(s) of the Act. The Party II has stated that since the Party II has paid all the dues, the Party I is not entitled to any relief.

4. The following issues were framed:

- 1 Whether the Party I proves that the Goa Trade and Commercial Workers Union has the locus standi to espouse the disputes on his behalf ?
- 2 Whether the Party I proves that he is a workman within the meaning of Sec. 2(s) of the I. D. Act, 1947 ?
- 3 Whether the Party I proves that the termination of his service by the Party II is in violation of the provisions of Sec. 25-F of the I. D. Act, 1947 ?
- 4 Whether the Party I proves that the action of the Party II in terminating his services w.e.f. 31-12-2002 is illegal and unjustified ?

- 5 Whether the Party II proves that this Tribunal has no jurisdiction to entertain and try the dispute because the Government of Goa is not the appropriate Government to make the reference of the dispute in the present case ?
- 6 Whether the Party II proves that its establishment at Cortalim-Goa is permanently closed from 31-3-97 and the depot at Hubli is permanently closed from 31-3-2002 ?
- 7 Whether the Party I is entitled to any relief ?
- 8 What Award ?

5. The matter was posted for evidence. On 30-11-2008 both parties appeared before the Tribunal and submitted that the matter has been amicably settled. The parties have placed on record the consent terms at Exb. 13 and have prayed for drawing consent award. I have perused the terms at Exb. 13 which are duly signed by the parties and which are acceptable to them. These terms are in the interest of the workman and hence I pass the consent award as per the consent terms at Exb. 13.

#### ORDER

1. It is agreed between the parties that the management of M/s. Salgaoncar Industrial Gasses Pvt. Ltd., having its establishment at Vasco-da-Gama, Goa shall pay a sum of Rs. 50,000/- (Rupees Fifty thousand only) to Shri P. H. Baichwal by cheque No. 117209 dated 11-4-2008 drawn on Bank of India, Vasco-da-Gama Branch, which shall include all the claims of Mr. P. H. Baichwal arising out of the present dispute and his employment/termination, including any claims of earned wages, bonus, gratuity, leave encashment, ex-gratia etc. or any other claim which can be computed in terms of money.

2. It is agreed that Shri P. H. Baichwal shall accept the said amount mentioned in the clause (1) in full and final settlement of all the claims arising out of present reference and arising out of his employment/termination of Mr. P. H. Baichwal, including any claim of earned wages, bonus gratuity, leave encashment, ex gratia, etc. or any other claim which can be computed in terms of money, in complete satisfaction of all the claims including the claim made in the present reference and further confirm that he shall have no claim of whatsoever nature against the company including any claim of reinstatement and/or re-employment.

No order as to costs.

Inform the Government accordingly.

S/  
 (A. Prabhudesai),  
 Presiding Officer,  
 Industrial Tribunal-  
 cum-Labour Court-I.

#### Department of Law and Judiciary

##### Law (Establishment) Division

##### Order

No. 4-1-2008-ID (Estt)/1093

Government of Goa is pleased to appoint Senior Counsel, Adv., Shri Surendra Dessai of High Court to defend the interest of the Government by representing the defendants before the Court of District Judge, North Goa at Panaji in the Civil Misc. Apln. No. 110/2008 between M/s. Jaisu Shipping Co. Pvt. Ltd., v/s Director of Tourism, Panaji, Goa.

Senior Council Adv., Shri Surendra Dessai will be paid a fee of Rs. 11,000/- (Rupees Eleven thousand only) per appearance.

The expenditure will be debited to the Budget Head of the Office of the Director of Tourism, Panaji, Goa.

By order and in the name of the Governor of Goa.

Vassudev N. Shetye, Under Secretary (Estt.).

Panjim, 28th August, 2008.

#### Department of Personnel

##### Order

No. 6/4/2006-PER

Sanction of the Government is hereby accorded for deputation of following Officers for Executive MBA (Post Graduate Diploma Management) (Part Time) (2nd Batch) to be conducted at Goa Institute of Management, Ribandar-Goa, for a period of 2 years from 21st June, 2008, in terms of Notification No. 6/4/2006-PER dated 07-12-2006, notified in Official Gazette, Series I No. 40 dated 04-01-2007:

- 1 Shri Subrata T. Nadkarni.
- 2 Shri Swapnil M. Naik.
- 3 Shri Gurunath M. Naik Parrikar.
- 4 Dr. Sunanda D. Amonkar.
- 5 Dr. Kedar N. Raikar.
- 6 Shri Arvind V. Bugde.
- 7 Dr. Kalidas P. Vaingankar.
- 8 Shri Atmaram V. Deshpande.
- 9 Ms. Sarita P. Usgaonkar.
- 10 Dr. Rengi G. Amballor.

2. All the fees payable towards this study programme shall be borne by the Government. The study programme

is normally scheduled on weekends or after office hours during the week. The special casual leave to the above officers shall not exceed more than 30 days in a year, including examination days. No TA/DA shall be paid to the officers to attend the classes.

3. The sponsored officers are expected to complete the programme within the time period of two years. However, extension of additional three years may be granted for passing examination.

4. The sponsored officers are required to execute bond stating that he/she will not leave the job for five years from the date of admission to the said course, failing which he/she is liable for refund of expenditure incurred by the Government towards the course, fees, etc., alongwith the interest thereon at the rate of 11.5% from the date of admission to the said course till full and final payment and such other expenses as to be assessed by the Government.

5. The expenditure on this account shall be debited to the Budget Head: 2050-Secretariat General Services, 00-, 090-Secretariat (Non Plan), 01-Department of Personnel & A. R., 13-Office Expenses.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Joint Secretary (Personnel).

Parvorim, 19th August, 2008.

#### Order

No. 7/1/92-PER(Part-File)

Shri V. B. N. Raikar, Deputy Labour Commissioner, Office of Commissioner of Labour and Employment is hereby promoted to the post of Commissioner of Labour and Employment on ad hoc basis in the pay scale of Rs. 10,000-325-15,200 with immediate effect for a period of one year or till the post is filled on regular basis, whichever is earlier.

The above ad hoc appointment will not bestow on the promoted officer any claim for regular appointment nor the service rendered on ad hoc basis in the grade will be counted for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

*Umeshchandra L. Joshi*, Under Secretary (Personnel-I).

Parvorim, 25th August, 2008.

#### Addendum

No. 6/2/2002-PER

Read: Order No. 6/2/2002-PER dated 14-08-2008.

The following para shall be added to the Order read above:

"The posting of Smt. Laura Britto e Madre de Deus shall be on deputation and shall be governed by standard terms of deputation as contained in Office

Memorandum No. 13/4/74-PER dated 12-02-1999 and as amended".

By order and in the name of the Governor of Goa.

*Umeshchandra L. Joshi*, Under Secretary (Personnel-I).

Parvorim, 27th August, 2008.



## Department of Public Health

#### Order

No. 4/4/2006-IV/PHD(Part II)

Government of Goa is pleased to invoke the Clause 1 of the Agreement-cum-Bond for Admission to the Post Graduate MDS Course of Goa University in Goa Dental College and Hospital signed by below mentioned doctors with the Government of Goa and appoint them as Lecturer in the Department of Prosthetic Dentistry in the Goa Dental College and Hospital, Bambolim-Goa on contract basis on a consolidated salary of Rs. 20,000/- (Rupees Twenty thousand only) (fixed) per month for a period of one year from the date of their joining:

1. Dr. Bhardwaj Puneet.

2. Dr. Hede Aradhana Tushar.

The appointment of the above doctors shall be subject to the terms and conditions contained in the Agreement to be executed by them with the Government.

The above-mentioned doctors are directed to report to the Dean, Goa Dental College and Hospital immediately.

By order and in the name of the Governor of Goa.

*D. G. Sardessai*, Joint Secretary (Health).

Parvorim, 25th August, 2008.

#### Notification

No. 10/9/91-I/PHD(Part)

In exercise of the powers conferred by Clause (viii a) of Section 2 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of the Government Notification No. 10/9/91-I/PHD(Part) dated 08-04-2008, the Government of Goa hereby appoints the following officers to be the Local (Health) Authorities in-charge of the Health Administration for the local areas as specified against their names:

| Sr.<br>No. | Name of<br>the officer                                 | Local Areas                              |
|------------|--|--|
| 1          | 2  | 3  |
| 1          | Smt. Jyoti J. Sardessai,<br>Assistant Drugs Controller | Salcoete, Tiswadi,<br>Canacona & Quepem. |

| 1 | 2   | 3                                    |
|---|---|--------------------------------------|
| 2 | Shri Ratnakar Y. Arlekar,<br>Assistant Drugs Controller | Pernem, Bicholim,<br>Satari & Ponda. |
| 3 | Shri Rajendra R. Naik,<br>Assistant Drugs Controller    | Bardez, Mormugao<br>& Sanguem.       |

By order and in the name of the Governor of Goa.  
*Jessie Freitas*, Under Secretary (Health-II).  
 Panvorim, 20th August, 2008.



### Department of Printing & Stationery

Government Printing Press

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**Order**

No. 13/7/07/STN-GPP

It has been observed that the Departments are submitting frequently requests to publish orders, notifications in Extraordinary Gazettes. Extraordinary Gazettes are required to publish only in cases of dire urgency, hence Government has decided that only following matters will be published in Extraordinary official Gazettes.

- 1) Constitutional Orders like Ordinances etc., issued by the President of India, Governor of Goa, under the provisions of Constitution of India.
- 2) Act, Rules, which are giving financial impact on a State Treasury for increasing/decreasing the revenue taxes/fees with immediate effect.
- 3) Orders issued by the Election authorities i.e. Chief Election Commission, State Election Commission and Returning Officers.

By order and in the name of the Governor of Goa.

*N. D. Agrawal*, Director & ex officio Joint Secretary (Printing & Stationery).

Panaji, 28th August, 2008.

### Notification

No. GPS/5-14/Revised-Rates/1363

In supersession of all earlier orders/notifications issued on this behalf the Government has revised the subscription rates of the Official Gazettes Series I, II & III w.e.f. 1st October, 2008 as below.

### Subscription Rates

|   | All 3 Series   | Series I       | Series II    | Series III   |
|---|----------------|----------------|--------------|--------------|
|   | Rs. P.         | Rs. P.         | Rs. P.       | Rs. P.       |
| <b>For any quarter .....</b>                                  | <b>500/-</b>   | <b>250/-</b>   | <b>200/-</b> | <b>100/-</b> |
| (Postage) .....   | 60/-           | 15/-           | 15/-         | 15/-         |
| <b>For half year .....</b>                                    | <b>1,000/-</b> | <b>500/-</b>   | <b>400/-</b> | <b>150/-</b> |
| (Postage) .....   | 60/-           | 30/-           | 30/-         | 30/-         |
| <b>For any period exceeding<br/>6 months upto one year...</b> | <b>2,000/-</b> | <b>1,000/-</b> | <b>800/-</b> | <b>300/-</b> |
| (Postage) .....   | 110/-          | 60/-           | 60/-         | 60/-         |

The revised rates are not applicable to the subscriber, who has already paid the subscription for the whole year 2008-09. However, the revised subscription rates will be applicable to those who subscribes for the half year or quarter starting from 1st October, 2008.

By order and in the name of the Governor of Goa.

*N. D. Agrawal*, Director & ex officio Jt. Secretary (Printing & Stationery).

Panaji, 2nd September, 2008.

### Public Notice

Public is hereby informed that the Official Gazettes - Series I, II & III are available on Website [www.goagovt.nic.in/gazette.htm](http://www.goagovt.nic.in/gazette.htm)